

REMARKS

Introduction

Claims 1-32 were pending in this application.

Applicant has amended claims 1, 2, 4, 11, 12, 14, 21, and 27 to more particularly define the invention and to correct minor clerical errors. No new matter has been added and the amendments are fully supported and justified by the specification.

Reconsideration of this application in light of the following remarks is hereby respectfully requested.

Summary of the Office Action

Claims 1-6 and 11-16 are rejected under 35 U.S.C. § 103(e) as being anticipated by Schneier et al., U.S. Patent No. 6,402,614 (hereinafter "Schneier").

Claims 1 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dickinson et al., G.B. Patent No. 2,147,773 (hereinafter "Dickinson") in view of Rittmaster, U.S. Patent Application Publication 2002/0023010 (hereinafter "Rittmaster").

Claims 2-5, 7, 9, 12-15, 17, 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dickinson in view of Rittmaster in further view of LottoBot, <http://lotobot.net> (hereinafter "LottoBot").

Claims 6 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dickinson in view of Rittmaster, in further view of Luciano et al., U.S. Patent No. 6,168,521 (hereinafter "Luciano").

Claims 8 and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dickinson in view of Rittmaster in further view of SGI Insights, Scientific Gaming

International, vol. 1, issue no. 5 (January 1999) (hereinafter "SGI").

Claims 10 and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dickinson in view of Rittmaster in further view of McCollom et al., U.S. Patent Application Publication 2002/001623 A1 (hereinafter "McCollum").

Claims 21-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker et al., U.S. Patent No. 6,325,716 B1 (hereinafter "Walker") in view of Archer, U.S. Patent No. 6,277,026 (hereinafter "Archer").

Applicant's Reply to the Rejection
Under 35 U.S.C. § 102(e)

Claims 1-6 and 11-16 are rejected under 35 U.S.C. § 102(e) as being anticipated by Schneier. The Examiner's rejection is respectfully traversed.

Applicant's invention, as defined by amended independent claims 1 and 11, is directed toward a method and system for allowing a user in a particular location to participate in lottery wagering using user equipment. An interactive wagering application determines the location of the user and visually displays a listing of lotteries in which the user may participate on the user equipment based on the particular location of the user. The interactive wagering application gives the user the ability to participate in at least one of the lotteries. The user, for example, may be presented with only a listing of lotteries in which the user may legally participate from the user's location (i.e., a particular state lottery that is only allowed to be played within the state with which the lottery is associated). The interactive wagering application issues

an electronic lottery ticket for the lottery for which a lottery drawing takes place at a later time.

Schneier refers to "an off-line lottery system which enables players to purchase instant-type lottery game outcomes from a randomized prize data stream in a central computer" (Schneier, Abstract). After the players purchase the instant-type lottery games having pre-determined outcomes, the user may "play" the lottery games by revealing the pre-determined outcome. A GPS receiver may determine the location of the player and may prevent the user from "playing" unless the player is in a location where such gaming is permitted.

Applicant respectfully submits that Schneier does not show or suggest all of the elements of applicant's amended independent claims 1 and 11. In particular, Schneier does not show lottery drawings that take place at a later time. In sharp contrast to applicant's claims, Schneier refers to a system for playing "instant-type lottery games." In order to play these types of instant games a user simply purchases tickets having pre-determined outcomes and "plays" the games by revealing the predetermined outcome associated with the purchased tickets. There are no lottery drawings that are associated with these games, because the outcome of the ticket is pre-determined and is revealed whenever the user plays the game. Thus, Schneier does not show all of the elements of applicant's amended independent claims 1 and 11.

Accordingly, applicant's amended claims 1 and 11 are allowable over Schneier. Applicant respectfully requests that the rejection of claims 1 and 11 be withdrawn.

Applicant's Reply to the Rejection of
Claims 1 and 11 Under 35 U.S.C. § 103(a)

Claims 1 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Dickinson in view of Rittmaster. The Examiner's rejections are respectfully traversed.

Dickinson refers to a lottery game terminal that provides a plurality of user selectable lottery games and is capable of operating in a multi-terminal statewide lottery game system. The game terminal of Dickinson does not determine its geographic location. Nor do the plurality of user selectable games available to a player depend on the particular location of the terminal. Dickinson's game terminal includes a printer for printing out lottery tickets.

Rittmaster refers to a communications system that includes a provider processor and a plurality of recipient processors located at geographically remote locations that are connected via a communications network. Each recipient processor is associated with a positioning system, such as a GPS, for determining location information for the remote system. The geographic location of each of the recipient processors may be used by the provider processor to determine whether to provide requested information to each of the recipient processors. Used in conjunction with a lottery system, the provider processor may restrict recipient processors from participating in lottery games if the recipient processors are located in jurisdictions that prohibit such gambling.

The Examiner asserts that Dickinson teaches all of the features of applicant's independent claims, except determining the particular location of the user and providing a listing of lotteries in which the user can participate

based on the particular location of the user. The Examiner attempts to remedy this deficiency in Dickinson by combining Dickinson with Rittmaster.

Applicant respectfully submits that whether taken alone or in combination, neither Dickinson nor Rittmaster shows or suggests a lottery system having lottery drawings that issue electronic lottery tickets. Therefore, whether taken alone or in combination, Dickinson and Rittmaster fail to show all of the features of applicant's invention as defined by amended independent claims 1 and 11.

Moreover, applicant respectfully submits that the Examiner has not provided an objective motivation to combine the specialized lottery terminal of Dickinson with the location based communications system of Rittmaster. Dickinson relates to a secure lottery system that uses a specialized lottery game terminal. The lottery game terminal of Dickinson is not a portable device. Therefore there is no motivation to incorporate the system of Rittmaster into Dickinson in order to determine the location of the user and to limit the listing of games based on location of the game terminal.

In fact, Dickenson teaches away from the combination with Rittmaster. For example, according to Dickinson, the "[g]ame program software is resident in the game terminal, rather than being down-line loaded" (Dickinson, page 6, line 52). In sharp contrast, Rittmaster necessarily involves distributing information from a centralized provider to remote recipients. Thus, because Dickinson only relates to stand-alone lottery terminals having lottery games that are stored within the lottery terminal and not downloaded from a central server, Dickinson is incompatible with Rittmaster.

Accordingly, applicant's amended claims 1 and 11 are allowable over Dickinson and Rittmaster individually and in combination. Applicant respectfully requests that the rejection of claims 1 and 11 be withdrawn.

Applicant's Reply to the Rejection of
Claims 21 and 27 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 21 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Walker in view of Archer. The Examiner's rejections are respectfully traversed.

Applicant's invention, as defined by amended independent claims 21 and 27, is directed towards a method and system for using an interactive wagering application to allow a user to automatically participate in a lottery. The user is given the ability to specify conditions under which he wishes to participate in the lottery via the electronic user equipment on which the interactive wagering application is at least partially implemented (i.e., by directly entering the conditions into the electronic user equipment). The interactive wagering application automatically participates in the lottery on behalf of the user when the conditions are met. Further, the wagering application notifies the user of the user's automatic participation in the lottery when the user's specified conditions have been met.

Walker refers to a lottery system in which a user must purchase tickets from a lottery agent. After entering necessary information (i.e., lottery numbers and conditions for participating) on a slip of paper by hand, the user must present the slip to a lottery agent who must then scan the slip into his lottery terminal in order to issue and print lottery tickets. The user is not notified when the

conditions have been met and the user must attempt to figure out independently when the user has been entered in the lottery.

Archer refers to a system for facilitating the purchase and sale of conventional lottery tickets online.

The Examiner asserts that Walker teaches all of the features of applicant's independent claims 21 and 27, except allowing a user to purchase lottery tickets via electronic user equipment. The Examiner attempts to remedy this deficiency in Walker by combining Walker with Archer.

Applicant respectfully submits that nothing in either Walker or Archer shows or suggests at least a conditional lottery system that notifies the user of their automatic participation in the lottery when the user's specified conditions have been met. Therefore, whether taken alone or in combination, Walker and Archer fail to show all of the features of applicant's invention as defined by amended independent claims 21 and 27.

Accordingly, for at least the above reason, applicant's independent claims 21 and 27 are allowable. Applicant respectfully requests that the rejection of claims 21 and 27 be withdrawn.

Applicant's Reply to the Rejection of Claims 2-10, 12-20, 22-26, and 28-32 Under 35 U.S.C. § 103(a)

Claims 2-10 and 12-20 are allowable at least because they depend from allowable independent claims 1 and 11. Applicant respectfully requests that the rejection of claims 2-10 and 12-20 be withdrawn.

Claims 22-26 and 28-32 are allowable at least because they depend from allowable independent claims 21

and 27. Applicant respectfully requests that the rejection of claims 22-26 and 28-32 be withdrawn.

Conclusion

For at least the foregoing reasons, applicant respectfully submits that this application is in condition for allowance.

Accordingly, prompt reconsideration and allowance of this application are respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read 'Alexander Shvarts', is written over a horizontal line.

Alexander Shvarts
Registration No. 47,943
Attorney for Applicant
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
(212) 596-9000